

Message

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**From:** Holt, Kay [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D01F6D16BB4D7FB1AD488C35448C40-HOLT, VANESSA KAY]  
**Sent:** 2/25/2019 6:57:09 PM  
**To:** Murphy, Yvonne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=527b6f75482842e7b0d3d741ede0dcfa-Murphy, Yvonne]  
**CC:** Cascio, Wayne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a1bd931ca2f84ea8ac2f4c44538f3589-Cascio, Wayne]  
**Subject:** FW: Situational Awareness: EPA Apple License Agreement  
**Attachments:** RE: Apple Terms of Service agreement comparison report

Y

As requested, attached includes the OGC email re: license review.

V. Kay Holt | Deputy Director | National Health and Environmental Effects Research Laboratory | Office of Research and Development | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919.541.0633 | Cell:

Personal Matters / Ex. 6

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**From:** Baghdikian, Christina  
**Sent:** Monday, February 25, 2019 1:55 PM  
**To:** Holt, Kay <Holt.Kay@epa.gov>  
**Subject:** RE: Situational Awareness: EPA Apple License Agreement

Hi Kay,

Here you go.

Ana emailed with Scott Philbrick from OMS on 2/22 and got the response that "OGC reviewed it on 11/26/18 and said there were no issues."

The email attached is the email from Scott Albright from OGC to Scott Philbrick from OMS.

Hope this helps,  
Christina

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**From:** Holt, Kay  
**Sent:** Monday, February 25, 2019 1:53 PM  
**To:** Baghdikian, Christina <Baghdikian.Christina@epa.gov>  
**Subject:** FW: Situational Awareness: EPA Apple License Agreement

Christina,

Can you send me the OGC review re: Apple License from last Nov? Thanks

V. Kay Holt | Deputy Director | National Health and Environmental Effects Research Laboratory | Office of Research and Development | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919.541.0633 | Cell:

Personal Matters / Ex. 6

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**From:** Murphy, Yvonne  
**Sent:** Monday, February 25, 2019 1:52 PM  
**To:** Holt, Kay <[Holt.Kay@epa.gov](mailto:Holt.Kay@epa.gov)>  
**Cc:** Cascio, Wayne <[Cascio.Wayne@epa.gov](mailto:Cascio.Wayne@epa.gov)>  
**Subject:** RE: Situational Awareness: EPA Apple License Agreement

Thanks, Kay. Do you mind attaching the document showing OGC's review. It appears to have dropped off the email you sent to me.

Yvonne D. Murphy, CPCM  
Director, Extramural Management Division  
U.S. EPA, ORD/OARS  
[OARS Website](#)  
Office (919) 541-5220  
Mobile Personal Matters / Ex. 6

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**From:** Holt, Kay  
**Sent:** Monday, February 25, 2019 1:50 PM  
**To:** Murphy, Yvonne <[Murphy.Yvonne@epa.gov](mailto:Murphy.Yvonne@epa.gov)>  
**Cc:** Cascio, Wayne <[Cascio.Wayne@epa.gov](mailto:Cascio.Wayne@epa.gov)>  
**Subject:** FW: Situational Awareness: EPA Apple License Agreement

Hi Yvonne,

FYI, per below train, OGC apparently reviewed the Apple license agreement last November and registered no issues. Let us know if you need more info on this, as many products hinge on getting the app back up and running along with being responsive and informative for the public.

Thanks for your many efforts on this.

K

V. Kay Holt | Deputy Director | National Health and Environmental Effects Research Laboratory | Office of Research and Development | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919.541.0633 | Cell:

Personal Matters / Ex. 6

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**From:** Baghdikian, Christina  
**Sent:** Thursday, February 21, 2019 4:26 PM  
**To:** Holt, Kay <[Holt.Kay@epa.gov](mailto:Holt.Kay@epa.gov)>  
**Cc:** Cascio, Wayne <[Cascio.Wayne@epa.gov](mailto:Cascio.Wayne@epa.gov)>  
**Subject:** RE: Situational Awareness: EPA Apple License Agreement

Hi Kay,

I mentioned the OGC review to Ana and she talked to Scott Philbrick from OMS today and got the response that "OGC reviewed it on 11/26/18 and said there were no issues."

See attached email for correspondence between Scott Philbrick and Ana (2/21/19), and in that email correspondence between Scott Philbrick and Scott Albright from OGC (11/26/18).

Hope this helps,  
Christina

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**From:** Holt, Kay  
**Sent:** Thursday, February 21, 2019 2:06 PM  
**To:** Murphy, Yvonne <Murphy.Yvonne@epa.gov>; Blancato, Jerry <Blancato.Jerry@epa.gov>  
**Cc:** Russo, Bill <Russo.Bill@epa.gov>; Cascio, Wayne <Cascio.Wayne@epa.gov>; Sutton, Jeff <Sutton.Jeff@epa.gov>; Baghdikian, Christina <Baghdikian.Christina@epa.gov>  
**Subject:** RE: Situational Awareness: EPA Apple License Agreement

Yvonne,

Thank you for the expert detective work on this. I'm still a bit shocked and dismayed that someone would unilaterally (and arbitrarily?) reject a requisition without just cause. The impact of such an action has been substantial to our customers and researchers, and remains so until mended.

K

V. Kay Holt | Deputy Director | National Health and Environmental Effects Research Laboratory | Office of Research & Development | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919.541.0633 | Cell:

Personal Matters / Ex. 6

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**From:** Murphy, Yvonne  
**Sent:** Thursday, February 21, 2019 1:48 PM  
**To:** Blancato, Jerry <Blancato.Jerry@epa.gov>; Holt, Kay <Holt.Kay@epa.gov>  
**Cc:** Russo, Bill <Russo.Bill@epa.gov>; Cascio, Wayne <Cascio.Wayne@epa.gov>; Sutton, Jeff <Sutton.Jeff@epa.gov>; Baghdikian, Christina <Baghdikian.Christina@epa.gov>  
**Subject:** RE: Situational Awareness: EPA Apple License Agreement

Hi All,

I have an update on this requirement. The HQ Acquisition Division was very responsive to me yesterday evening, and this morning I was contacted by an individual (Rayna Brown) who is moving the acquisition forward in Mr. Irby's absence. Since this is really OEI's requirement, she is going to follow-up with them regarding a couple technical questions she has, but it's looking like the critical path is obtaining OGC review of the vendor terms and conditions. Given that this procurement has been successfully processed in the past, I'm pretty confident there should be an easy fix between the government and vendor for any objectionable terms. We also stated that OARS would be happy to place the purchase card order for OEI through one of our in house contract specialists if that is the only barrier to getting this done. She promised to get back to me asap with an update once she has spoken with the technical rep from OEI and had a plan to get this done.

Jerry- I don't know why this is being done quarterly. Perhaps the vendor wants to invoice quarterly, but that shouldn't stop the agency from issuing a contract for a longer term. Bottom line for the ORD perspective, I think, is that we need the lapse in service rectified and for it not to recur. Whatever deal OAS and OEI work out to make that happen is up to them.

One bit of trivia- apparently the requisition (PR-OEI-19-00007) was rejected in EAS by Mr. Irby on 10/30/2018. I didn't find the reason used to reject the requisition as valid and shared that with Rayna, but it does point to an area worth watching in ORD for our own requisitions. Once a buyer "rejects" a requisition, it is up to the requisitioner to fix the identified omissions and resubmit the requisition (or to elevate the matter if they think the rejection is unreasonable). If they don't, when OAS managers review the workload of their staff, the transaction won't stick out as an item requiring their follow-up because the action will appear to be in the program's "court". When we begin publishing OAS' requisition report to the LCOs (hopefully starting the end of this month), we'll call that point out to the readers.

With Regards,  
Yvonne

Yvonne D. Murphy, CPCM  
Director, Extramural Management Division  
U.S. EPA, ORD/OARS  
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Office (919) 541-5220  
Mobile Personal Matters / Ex. 6

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**From:** Blancato, Jerry  
**Sent:** Wednesday, February 20, 2019 4:58 PM  
**To:** Murphy, Yvonne <[Murphy.Yvonne@epa.gov](mailto:Murphy.Yvonne@epa.gov)>; Holt, Kay <[Holt.Kay@epa.gov](mailto:Holt.Kay@epa.gov)>  
**Cc:** Russo, Bill <[Russo.Bill@epa.gov](mailto:Russo.Bill@epa.gov)>; Cascio, Wayne <[Cascio.Wayne@epa.gov](mailto:Cascio.Wayne@epa.gov)>; Sutton, Jeff <[Sutton.Jeff@epa.gov](mailto:Sutton.Jeff@epa.gov)>;  
Baghdikian, Christina <[Baghdikian.Christina@epa.gov](mailto:Baghdikian.Christina@epa.gov)>  
**Subject:** RE: Situational Awareness: EPA Apple License Agreement

Also, it seems this has to be done every quarter. I wonder why?

Jerry  
919-541-2854

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**From:** Murphy, Yvonne  
**Sent:** Wednesday, February 20, 2019 4:57 PM  
**To:** Holt, Kay <[Holt.Kay@epa.gov](mailto:Holt.Kay@epa.gov)>  
**Cc:** Russo, Bill <[Russo.Bill@epa.gov](mailto:Russo.Bill@epa.gov)>; Cascio, Wayne <[Cascio.Wayne@epa.gov](mailto:Cascio.Wayne@epa.gov)>; Sutton, Jeff <[Sutton.Jeff@epa.gov](mailto:Sutton.Jeff@epa.gov)>;  
Baghdikian, Christina <[Baghdikian.Christina@epa.gov](mailto:Baghdikian.Christina@epa.gov)>; Blancato, Jerry <[Blancato.Jerry@epa.gov](mailto:Blancato.Jerry@epa.gov)>  
**Subject:** RE: Situational Awareness: EPA Apple License Agreement

OMG, all of this is because a \$100 order has not been issued?! I am familiar with Kenneth Irby, and will call his boss' boss right now. If they have a requisition in hand and let us take it, we can probably have a SACO process it by lunch time tomorrow.

Yvonne D. Murphy, CPCM  
Director, Extramural Management Division  
U.S. EPA, ORD/OARS  
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Office (919) 541-5220  
Mobile Personal Matters / Ex. 6

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**From:** Holt, Kay  
**Sent:** Wednesday, February 20, 2019 3:15 PM

**To:** Murphy, Yvonne <Murphy.Yvonne@epa.gov>

**Cc:** Russo, Bill <Russo.Bill@epa.gov>; Cascio, Wayne <Cascio.Wayne@epa.gov>; Sutton, Jeff <Sutton.Jeff@epa.gov>;  
Baghdikian, Christina <Baghdikian.Christina@epa.gov>

**Subject:** FW: Situational Awareness: EPA Apple License Agreement

Hi Yvonne,

I know you are well aware of the SmokeSense App issue w/Apple. Below is a good summary of impacts and actions planned. We appreciate your help in solving this w/contracts. If you have specific questions or if you need additional info, please let us know.

Thanks,

K

V. Kay Holt | Deputy Director | National Health and Environmental Effects Research Laboratory | Office of Research & Development | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919.541.0633 | Cell:

Personal Matters / Ex. 6

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**From:** Baghdikian, Christina

**Sent:** Wednesday, February 20, 2019 2:16 PM

**To:** Holt, Kay <Holt.Kay@epa.gov>

**Cc:** Cascio, Wayne <Cascio.Wayne@epa.gov>; Rappold, Ana <Rappold.Ana@epa.gov>

**Subject:** Situational Awareness: EPA Apple License Agreement

Hi Kay,

During the shutdown the EPA Apple License Agreement lapsed (this is done quarterly, and was due for renewal in January). Again, existing users can use the app; however, new users cannot download from the Apple App store. Given the holiday, use or lose, and the shutdown we understand those dealing with contracts have a lot on their plate.

How this impacts Smoke Sense/NHEERL

## Deliberative Process / Ex. 5

Wayne has been up to date on the issue and here are some notes on the status and plan:

1. We have been in communication with Ryan (Scott) Philbrick from the Office of Mission Support on this issue. See email thread attached. Scott has been doing his best – with his Office Director- to ameliorate the situation.
2. Since the EPA Apple License agreement is only Included in Ex. 5 it is my understanding that there is not a true COR as there are on other contracts.
3. The CO is Kenneth Irby. Scott noted that Kenneth has not been in contact since November.
4. Wayne has elevated this issue to the EC and Jerry Blancato, and plans to bring this up at MBR and Jerry again this afternoon.

5. We have also explored contacts for the CO's supervisory chain/Division leadership in case we'd like to approach this from the bottom up.
6. Since the beginning, folks like Michelle Ibarra and Andrew Yuen from OMS (previously OEI?) have been fantastic to work with and we will be writing a letter indicating our appreciation of their efforts that Wayne will send to their management.

Let me know if you have any questions.

**Christina Baghdikian**

National Health and Environmental Effects Research Laboratory | Office of Research and Development | U.S.  
Environmental Protection Agency | O: 919.541.3216 | C: Personal Matters / Ex. 6